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August 22, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in Docket No. 95-184

Dear Mr. Secretary:

Pursuant to 47 C.F.R. § 1.1206, the Building Owners and Managers Association International, the Institute of Real Estate Management, the International Council of Shopping Centers, the National Apartment Association, the National Multi Housing Council, and the National Realty Committee (jointly, the "Real Estate Associations"), through undersigned counsel, submit this original and one copy of a letter disclosing a written ex parte presentation in the above-captioned proceeding.

On August 22, 1997, the attached letter was delivered on behalf of the Real Estate Associations to Chairman Hundt.

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- 2 -

Please contact the undersigned with any questions.

Very truly yours,

MILLER & VAN EATON, P.L.L.C.

By


Matthew C. Ames

Enclosure

cc: Hon. Reed E. Hundt
Hon. James H. Quello
Hon. Rachelle B. Chong
Hon. Susan Ness
William E. Kennard, Esq.
Meredith Jones, Esq.

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August 22, 1997

BY HAND

Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Docket No. 88-57 (Simple Inside Wiring);
Docket No. 95-184 (Telecommunications Inside Wiring)

Dear Mr. Chairman:

We write on behalf of our clients, the Building Owners and Managers Association, International; the Institute of Real Estate Management; the International Council of Shopping Centers, the National Apartment Association; the National Multi-Housing Council; and the National Realty Committee (jointly, the "Real Estate Associations") in connection with the Order on Reconsideration in Docket No. 88-57 released on June 17, 1997 (the "Order"). The Real Estate Associations wish to applaud the Commission's Order for its recognition of the importance of the safety and management concerns of building owners and managers. In addition to supporting the outcome of the proceeding in Docket No. 88-57 and urging its extension to complex wiring, we believe the principles stated in the Order apply in other areas.

In particular, the Commission's Order implicitly recognizes the validity of the arguments made by the Real Estate Associations in Docket No. 95-184. Those provisions of the Order that clarify the rights and responsibilities of building owners and managers and the ownership and accounting treatment of inside wiring apply equally to the issues raised in Docket No. 95-184. For example, the Order states that:

- The Commission's rules "allow owners of multiunit buildings to restrict customer access to only that wiring located in the customer's individual unit." Order at ¶ 3.

Miller & Van Eaton, P.L.L.C.

Honorable Reed E. Hundt

- 2 -

August 22, 1997

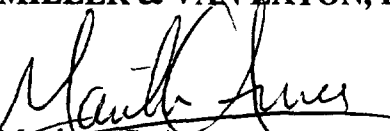
- “[B]uilding owners may negotiate lease terms that reflect their new wiring responsibilities.” Order at ¶ 27.
- “[B]uilding owners should recover any additional costs involved directly from the causative entity.” *Id.*
- The rules “require that telephone companies give building owners or their agents, upon request, all available information regarding the wiring layout of their buildings including copies of existing schematic diagrams and service records.” Order at ¶ 30.
- “[M]oving the demarcation point does not transfer ownership.” Order at ¶ 32.
- “[C]arriers may not use claims of ownership as a basis for imposing restrictions on the customer’s or building owners’ removal, rearrangement, replacement or maintenance of such wiring.” Order at ¶ 27.

As the Real Estate Associations have noted in their comments in Docket 95-184, unsupervised access to real property by telecommunications providers could adversely affect the business operations of a property manager or owner. The overall effect of such access would be a decrease in service reliability, tenant safety, and building code compliance. The Order, on the other hand, goes a long way towards ensuring that a property manager or building owner has control over the space occupied by telephone lines and facilities, especially in a multi-occupant building where the conflicting needs of multiple tenants and service providers must be coordinated with the property manager.

Once again, the Real Estate Associations wish to congratulate the Commission on its well-considered resolution of the issues in Docket 88-57. By clarifying the rights and responsibilities of building owners and managers, the Commission has ensured tenants safe and reliable access to telecommunications services. We urge the Commission to apply the same principles in Docket 95-184.

MILLER & VAN EATON, P.L.L.C.

By


Matthew C. Ames

cc: Hon. James H. Quello
Hon. Rachelle B. Chong
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